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AN INVESTIGATION OF WRECK AT LAWYERS BEGUN BY SOUTHERN

Mattox Asserts That He Was Given a Clear Track at Lawyers

OPERATOR JACOBS ENTERS HIS DENIAL

The Object of the Investigation is to Determine Officially the Cause of the Wreck—Ackert and Co. Are Directing the Inquiry, the Sessions Being Secret—All Employees of the Two Trains Offered to Appear in Washington.

(By the Associated Press.)
Washington, Dec. 5.—C. H. Ackert, general manager of the road, and E. H. Cozeman, superintendent of the Danville division of the Southern Railway, began an investigation today to determine officially the cause of the wreck last Thursday, in which President Spencer and seven others lost their lives. Operator G. T. Mattox, who has been held responsible for the disaster, is present, as is Operator Jacobs at Lawyers.

The hearing is private, and is held in the general manager's office, and a force of stenographers are taking the testimony. All the employees of the Southern who had anything to do with the handling of the two trains have been ordered to be in Washington today to testify.

Mattox asserts he did not let train No. 37 into the block until he had been given a clear track by the operator at Lawyers, the next signal tower beyond.

Operator Jacobs of Lawyers denies statements of Mattox and declares that he received no report of the movements of train No. 33, which was struck by the Atlanta Express.

SHERIFF SHIPP'S CASE CONCLUDED.

(By the Associated Press.)
Washington, D. C., Dec. 5.—The supreme court of the United States today concluded its hearing in regard to the legal aspect of the cases of Sheriff Shipp and others under prosecution for contempt of that court in connection with the lynching at Chattanooga, Tenn. Mr. Harmon for the defendants contended that as Johnson's case was not one which involved the construction of the constitution of the United States there was no right of appeal to the federal courts and that consequently the supreme court did not acquire jurisdiction and should not proceed to inflict punishment for contempt but should leave the lynching offense to be dealt with by the state courts as a crime under the state laws.

PRESIDENT ASKS MORE AUTHORITY.

(By the Associated Press.)
Washington, D. C., Dec. 5.—The president today sent a special message to congress, urging legislation giving the executive authority upon his own initiative and responsibility to dismiss any officer whom he thinks unworthy to remain in the service.

Illustrating the necessity for the legislation desired, the president cites the case of a naval officer whose name is not given, but who was accused of "indecent and disgusting behavior."

APPOINTED BY THE PRESIDENT.

(By the Associated Press.)
Washington, Dec. 5.—The president today sent to the senate the following nominations:
Members of the Philippine commission and secretary of public instruction in the Philippine Islands—W. Morgan Shuster, District of Columbia.

CARNEGIE TO GIVE TO HIGH POINT.

(Special to The Evening Times.)
High Point, N. C., Dec. 5.—The committee having in charge the establishing of a public library here has heard from Andrew Carnegie, who says he will give \$15,000 towards the same, with the usual agreement.

FINLEY NAMED

(By the Associated Press.)
New York, Dec. 5.—W. W. Finley was today elected president of the Southern Railway Company, succeeding the late Samuel Spencer. Mr. Finley has been second vice-president of the company.

TWO KILLED IN A TRAIN WRECK

(By the Associated Press.)
Pittsburg, Pa., Dec. 5.—Four men were seriously injured, two fatally, early today in a freight train wreck on the Monongahela and Washington division of the Pittsburg, Virginia and Charleston Railroad at Stokesdaletown, a few miles east of this city.

TRIAL OF NEBAGATOFF AND MANY OFFICERS.

(By the Associated Press.)
St. Petersburg, Dec. 5.—The trial of Rear Admiral Nebagatoff and seventy-eight officers of his squadron for surrendering to the Japanese at the Battle of the Sea of Japan, May 28, 1905, began before a special court martial this morning. The accused are divided into three categories.

First, Admiral Nebagatoff and the commanders of the battleships.

Second, The officers who advocated the surrender.

Third, The officers who did not endeavor to prevent the surrender.

FRANCE HITS COTTON

Almost Prohibitory Duties on its Products Proposed

If the Party in Parliament Favorable to This High Tariff Wins, Cotton Seed and Oil Will Be Driven Out of French Market.

(By the Associated Press.)
Paris, Dec. 5.—Cotton seed and cotton seed oil, of which there is an enormous importation from America, are threatened with almost prohibitory duties. This is not included in the budget estimates, but is being pressed for consideration not only as a new source of revenue, but on the demand of the olive oil industry for protection against cotton seed oil, which is extensively replacing olive oil. The customs commission and chamber of deputies has decided to propose a rider to the budget increasing the tariff on cotton seed to six francs and the duty on cotton seed oil to twelve francs per 100 kilograms. The commerce commission of the chamber has protested against the inclusion of the proposed new duties in the budget, and, having a reciprocity agreement in view, proposes to bring up the question in parliament as a separate matter. The foreign office has received from Ambassador McCormick strong representations against the suggested increases in duties. The most favorable feature of the situation from the American standpoint lies in the differences between the two commissions.

THE LAKE ERIE AND WESTERN DIVIDEND.

New York, Dec. 5.—The directors of the Lake Erie & Western Railroad today declared a semi-annual dividend of 2 per cent on the preferred stock. This is an increase of half of one per cent in the semi-annual rate.

Killed by Accident.

Wilmington, N. C., Dec. 5.—Gilbert Mosley, a nineteen-year-old negro, was almost instantly killed yesterday afternoon by the accidental discharge of a shotgun in a combination liquor and grocery store at Market and Thirteenth streets.

CONGRESSMAN RIXEY IS TOO ILL TO ATTEND.

Washington, D. C., Dec. 5.—In a letter from Liberty, N. Y., Representative John F. Rixey of the eighth Virginia District, notifies his constituents that on account of ill health he will be unable to attend this session of congress.

FOUR WOOD DEALERS ARE INDICTED BY JURY.

(By the Associated Press.)
Danville, Va., Dec. 5.—The grand jury today indicted four leading coal and wood dealers of Danville for criminal conspiracy to control and regulate prices for these commodities.

'PHONE PETITION IS DISMISSED BY THE SENATE

Corporation Commission on Toil Rates

NO REDUCTION ORDERED

Practically Impossible to Take the Varying Conditions All Over the State and Fix Rate That Would Be Fair—Bell Telephone Company Making But a Very Small Profit On Capital Invested.

The case brought by J. Bryan Grimes vs. the Southern Bell Telephone and Telegraph Company for a reduction in the toll rates of said company was dismissed by the Corporation Commission in an order handed down today. The original complaint was filed last April and a supplemental complaint was filed in July at about the time there was a hearing in the case.

It was alleged in the complaint that the defendant charged 25 cents per minute for conversation from Raleigh to Washington and from Raleigh to Grimesland, and especially for one seven-minute conversation on March 14, 1906. Several other conversations were specified in the complaint. It was further alleged that the rates were unjust, unreasonable, exorbitant and an outrage upon the people of the state, and it was asked that the toll rates be reduced to five cents per minute for first five minutes and two and one-half cents per minute afterwards.

In the answer it was set forth that the defendant owned only a portion of the line between Raleigh and Grimesland and also Washington, and therefore was responsible for only their proportion share of the toll. It was further alleged that the rates were fair and just.

It was found by the commission that defendant's property in North Carolina is assessed for taxes at \$194,864, and net earnings for the five years ending December 31st represent an average profit of less than one-half per cent upon money actually invested and 8-10 per cent of present tax assessed value.

It was found that it was impossible to ascertain exact accuracy of the cost of maintaining separate toll lines and exchanges; that defendant had paid only two dividends since they began business, these being one-half per cent each on capital invested. The commission state that it is impracticable to establish a flat toll rate for telephonic communication, regardless of distance, cost of supplying and value of defending service to be required in the various parts of the state.

The commission concludes that a flat rate of five cents per minute for the first five minutes and two and one-half cents thereafter, toll for furnishing long-distance telephonic communication, regardless of distance, is not reasonable or just; and that a uniform rate for telephonic exchange service applicable to all exchanges in North Carolina, regardless of the value of the same to patrons or of the amount invested by defendant in order to render the service, would not be reasonable.

It was therefore ordered that this proceeding be dismissed. The commission has under investigation and comparison the existing rates, toll and exchange, of the defendant with all other companies doing business in North Carolina, with a view of changing such of them as may be found unreasonable and unjust.

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THE SOUTHERN AND FAST MAIL

Little Surprise Felt Here Over Railroad's Request

NO. 97 WAS AN EXPENSE

Large Portion of People It Served Did Not Appear to Want It—Officials Have Considered for Some Time Asking Government to Re-lieve Road of Contract.

The report from Washington that the Southern Railway has asked the government to terminate its contract for the operation of the fast mail train between Washington and Atlanta is received here with great interest, but not very much surprise. Southern Railway officials in this city have frequently stated that the proposition was not a paying one, that the road received from the government about \$80,000 for the running of the famous No. 97, the fast mail, that it cost practically that much to operate it, that the penalties for delays, regardless of cause, were large, that delays were necessarily frequent in long runs on fast schedules, and consequently the train was operated for the most part at an actual expense to the road.

For some time the Southern officials have had under consideration the matter of requesting to be relieved of the contract, as besides being an express, the running of this train at the speed required has often congested travel over that part of the line, it being necessary to give it the right of way over passenger trains.

Then, in addition to all this, it has become apparent that a large portion of the people served by this mail train do not want it. This was evidenced especially in the last session of congress, and has been shown in that body again and again in recent years.

Altogether, the operation of No. 97 has become not only burdensome but almost a reproach to the road in certain quarters, and so little surprise is felt here at a news that it desires to terminate the contract, or that it has asked that it be ended January 5, six months before it expires.

FIGHT OVER OIL LINE

Forty-Eight Men Arrested on Complaint of Farmer

Claimed That They Were Laying a Line Across His Ground Without His Permission—He is Arrested for Shooting at Them.

(By the Associated Press.)
Washington, Pa., Dec. 5.—As a result of information made by James King, a wealthy farmer, forty-eight men employed by the Southwestern Pennsylvania Pipe Line company who were engaged in laying an oil line across King's farm in Charles township were arrested last night and held in \$200 bail each for the action of the grand jury. Bail was furnished by the company.

While the men were working on King's farm he fired two charges of buckshot at them, none of the men being injured, however. King was arrested on complaint of the men and furnished \$500 bail for a grand jury hearing. It is said the oil line is being installed without King's permission.

THREE MANIACS ESCAPE CELLS

(By the Associated Press.)
Charlottesville, W. Va., Dec. 5.—Three patients escaped from the state hospital for the insane at Weston last night and are believed to be in hiding near this city. They are said to be dangerous and violent, and much anxiety is manifested among residents in the suburbs. Bloodhounds that were put on the trail at Weston shortly after the escape followed the scent to this place, where it was lost. Several groups of officers are searching for the fugitives.

SIXTY BORNE TO DEATH IN RUSH OF FLOOD THAT OVERWHELMS CLIFTON

EXPULSED FROM THE MINISTRY

(By the Associated Press.)
Columbia, S. C., Dec. 5.—Rev. C. W. Creighton has been dismissed from the South Carolina conference and expelled from the Methodist ministry. The trial lasted sixty-three hours, prolonging the session of the conference two days. He has appealed to the general conference.

He is editor of the Christian Appeal at Greenwood and has made repeated charges of politics and ring rule in the conference, also alleging that the presiding elders were self-seeking. The charge against him was "falshood and slander." A committee of thirteen in secret session found him guilty.

MONEY ON CALL WENT TO THIRTY.

(By the Associated Press.)
New York, Dec. 5.—Money on call was loaned at 18 per cent in the stock market at 11 o'clock today.

Some loans were made as high as 20 percent shortly after 1:30 o'clock but this rate was maintained only a few minutes, falling back to 20 percent. Just before the close of the market the call money rate rose to 32 per cent. While loans were being made at this figure one large national bank was offering money at 6 per cent.

LORD CURZON LEAVES US ON THE OCEANIC.

(By the Associated Press.)
New York, Dec. 5.—Lord Curzon of Kedleston, former viceroy of India, who came here several weeks ago, sailed for Europe today on the steamer Oceanic. Other passengers on the steamer included Charles Frohman, the theatrical manager, and Haddon Chambers, the dramatist. Mr. Chambers expects to write a play for Mrs. Leslie Carter during his stay in Europe.

Mrs. Marshall Field, Jr., also was a passenger on the Oceanic.

ESTIMATE ON COTTON

That of Season's Crop to be Given Out Tuesday

The Census Bureau Will Not Publish Its Report of Cotton Ginned Up to December 1st Until Monday, the 11th Instant.

(By the Associated Press.)
Washington, Dec. 5.—It is announced at the department of agriculture that the quantitative estimate of the season's cotton crop will be issued on Tuesday, December 11th, at 2 o'clock p. m., instead of on Monday, as heretofore announced.

The bureau of the census has decided not to publish their report of the amount of cotton ginned up to December 1st until Monday, the 11th instant, at 2 p. m., and the bureau of statistics of the agricultural department desired to consider the information contained in the census report in connection with information derived from other sources.

THREE MANIACS ESCAPE CELLS SAVES ADAMS AND SAWYER

(By the Associated Press.)
Washington, D. C., Dec. 5.—The president has commuted to life imprisonment the sentence of death imposed upon Arthur Adams and Robert Sawyer, negro members of the crew of the schooner Henry A. Berwind, who were convicted of mutiny and murder aboard that vessel about a year ago, who were tried at Wilmington, N. C., and are now in jail at that place.

Private Railroad Dispatches to the Denver News from Phoenix, Arizona

FEW DETAILS OF THE CATASTROPHE GIVEN

It is Stated That the Flood Which Burst Through Clifton Destroyed Many Business Buildings, Wrecked the Smelting Plant of the Arizona Copper Company and Tore Out Miles of the Tracks of the Arizona and Mexico Railroad.

(By the Associated Press.)
Denver, Col., Dec. 5.—A special to the News from Phoenix, Ariz., says:

Private railroad dispatches received here says that sixty lives were lost at Clifton yesterday in the great flood that swept through the camp, wrecking many business buildings, wrecking the smelting plant of the Arizona Copper Company and tearing out miles of track of the Arizona & Mexico Railroad.

Clifton, which has about 3,500 people, lies in a narrow valley near the eastern line of Arizona. The less prosperous of the inhabitants live in Chase Creek canon, a peculiarly dangerous situation in times of high water. Two years ago twelve lives were lost in the canon and immense damage was done by the rise of the San Francisco river.

El Paso, Tex., Dec. 5.—A special to the Herald from Morenci, Ariz., says:

First reports about the Clifton, Ariz., flood are fully confirmed. Fourteen lives are known to have been lost. The Vial Valley Bank was seriously damaged.

The Old Dominion Company has a three-weeks supply of fuel, but other companies operating here may have to close on account of the shortage of oil. It is believed that there is enough fuel and provisions in the city to prevent any famine.

HEARING CASE AGAINST MAJOR DELMAR'S OWNER.

(By the Associated Press.)
New York, Dec. 5.—The board of review of the National Trotting Association today began a hearing of the case against E. E. Smathers, former owner of Major Delmar, which is alleged to have won the \$5,000 gold champion challenge cup offered by the Memphis Trotting Association in 1904 because Lou Dillon, owned by C. K. G. Billings, had been dragged.

An affidavit from Millard Sanders, a former trainer of Lou Dillon, was submitted. In it Sanders said that Edward Sanders had proposed to him that Lou Dillon be "doped" and had told him he thought \$5,000 to \$10,000 could be obtained from Mr. Smathers. Millard Sanders declared that he refused to do so.

Edward Malloy, a stable man, swore that he saw Millard Sanders administer something to Lou Dillon out of a bottle.

An affidavit made by George Spear, trainer for Mr. Smathers at the time of the race, was also read. In it Mr. Spear declared that he had instructions from Mr. Smathers to undertake such negotiations as would insure the race to Major Delmar.

EIGHT HURT BY MATCH EXPLOSION.

(By the Associated Press.)
Indianapolis, Ind., Dec. 5.—In a fire that started from an explosion of thousands of paper matches at the factory of G. A. Rathbun & Co., West Indianapolis, today, eight young women were hurt, four of them seriously. The others were painfully burned and injured in their frantic efforts to escape from the building.